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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,461	07/31/2001	James K. Weixel	00-5017	3578
32127	7590	04/28/2006	EXAMINER	
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 04/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/919,461	WEIXEL, JAMES K.
	<b>Examiner</b>	<b>Art Unit</b>
	Ronald Laneau	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 December 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-5 and 7-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5 and 7-32 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_ .

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/13/05 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 7-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill (US 5,991,749) in view of Yang (US 2004/0177008 A1).

As per claims 1-5, 7, and 8, Morrill discloses a method and system configured to facilitate ordering of goods or services from a vendor by a customer, comprising: one or more base stations (“cell antenna”, see column 2, lines 29-31) configured to receive an abbreviated dialing sequence that corresponds to an order from a mobile terminal used by the customer (for example, see column 6, line 63 - column 7, line 26); and a processing center (“CPU”, see column 2, lines 29-31) coupled between the one or more base stations and the vendor (“payee”, see column 5, lines 51-60) and configured to receive the abbreviated dialing sequence, to transmit customer information (vendor would receive customer identification information because the

vendor is capable of directly billing the user, see column 7, lines 63-65) to the vendor relating to the order, and to bill a wireless account of the customer for a monetary amount of the order (see column 3, lines 20-35); customer preferences are stored in a database (see column 7, lines 43-46); posting abbreviated dialing sequence codes corresponding to the vendor on signs (see column 7, lines 14-16); the location of the mobile terminal is determined (see paragraph bridging columns 6-7, wherein the facility ID number is an indication of the user's location; see also column 4, line 34); and the vendor is a restaurant and the customer is a motorist (see column 3, lines 46-47). Morrill does not explicitly disclose allowing the travel to continue while utilizing the goods or services but Yang discloses a system wherein the goods or services are selected from the group of vendors consisting of restaurants, pharmacies, grocery stores, convenience stores and gas stations which allows the goods or services to be picked up by the customer and the travel to continue while utilizing the goods or services (see abs., page 2, [0014]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the pick up facility along the buyer's commuting route as taught by Yang into the system of Morrill because it would added convenience to a buyer being able to pick up and utilize goods or services on the way to work.

Additional features disclosed by Morrill as required by claims 9-12 and 15-32, that were not addressed above include: billing a credit card or debit card of the customer for a monetary amount of the order (see column 4, lines 16-24); entering into an agreement with the vendor to provide the abbreviated dialing service to the vendor (see column 6, lines 47-62); collecting revenue from the vendor according to the agreement ("transaction fees", see column 6, lines 59-62); and acquiring a preferred manner of payment from the customer (see column 4, lines 17-38).

Regarding amendment to claims 1, 8, 17, 24, 28, and 30 on 2/11/05, Morrill discloses transmitting customer information to a vendor, wherein the location of the customer is remote from the vendor (see column 3, lines 20-21; “permits face-to-face or remote transactions”).

As per claims 1, 8, 11, 17, 24, 28, and 30, Morrill discloses a vendor having multiple locations (see paragraph bridging columns 6-7; “Multiple facilities with different rates”) and the order is initiated and prepared when the customer is remote from the vendor location to reduce wait time of the customer (see column 6, lines 20-25; “This application of the procedure speeds through-put into and out of the facility”, underline added for emphasis by Examiner). Additionally, Morrill discloses a processing center that determines from the remote location the one of the multiple vendor locations to which to transmit customer information (see paragraph bridging columns 6-7, “It is this short-cut key sequence which tells the mobile phone service provider’s CPU that this is an entrance/exit parking fee transaction for this particular parking facility”, underline added for emphasis by Examiner).

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill (US 5,991,749) in view of Yang (US 2004/0177008 A1) and further in view of Stilp (US 5,327,144).

Morrill disclose all the claimed elements as set forth above, but fails to explicitly disclose calculating the location of the mobile terminal based on signal information received at one or more base stations using time delay information and global positioning system information.

Stilp teaches the use of calculating the location of the mobile terminal based on signal information received at one or more base stations using time delay information (see paragraph bridging columns 6-7) and global positioning system information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the pick up facility along the buyer's commuting route as taught by Yang into the system of Morrill because it would added convenience to a buyer being able to pick up and utilize goods or services on the way to work. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Morrill and Yang with time delay cellular phone location determination as taught by Stilp, because determining the location of a user will allow the user to enter fewer codes but will locate the proper vendor.

#### *Response to Arguments*

5. Applicant's arguments filed 12/13/05 have been fully considered but they are not persuasive.

1. Applicant argues that Morrill fails to teach or disclose with respect to "the group of vendors consisting of restaurants, pharmacies, grocery stores, toll booths, convenience stores and gas stations," at least the following claim elements: "A system configured to facilitate ordering of goods or services by a customer from a vendor having multiple vendor locations." In response to Applicant's arguments, the newly added reference discloses a plurality of drop-off locations wherein buyers can pick up ordered products on the way to work. Applicant further argues that Morrill fails to teach or disclose "both the order being initiated at a remote location

by the customer and preparation of the order being initiated at one of the vendor locations by the vendor before the customer arrives at the one of the vendor location.” In response to Applicant’s arguments, the newly added reference is used to disclose a buyer that remotely orders a product and picks it up at a drop-off location on the way to work. Furthermore, Applicant argues that Morrill does not teach or disclose “to reduce wait time of the customer by time-shifting preparation of the order by the vendor to coincide with transit time of the customer.” Again, the newly added reference does exactly that. Lastly, As far as Morrill not teaching “a processing...configured to...determine from the remote location the one of the multiple vendor locations to which to transmit customer information relating to the order,” see rejection above.

Claims 1-5 and 7-32 remain rejected.

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ronald Laneau*  
Ronald Laneau  
Examiner  
Art Unit 3627      4/19/06

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